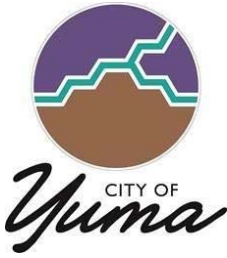


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on May 9, 2022, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.



Agenda

**Planning and Zoning Commission Meeting
City Hall Council Chambers
One City Plaza Yuma, AZ
Monday, May 9, 2022, 4:30 p.m.**

A. CALL TO ORDER

- B. CONSENT CALENDAR** – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

April 11, 2022

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES –

ZONE-38893-2022: *This is a request by John S. Garcia, on behalf of Rancho Mi Isabella, LLC, to rezone approximately 39.49 acres from the Agriculture (AG) District to the Suburban Ranch (SR-2) District, for the property located at the northwest corner of S. Avenue 3E and the E. 73rd Street alignment, Yuma, AZ.*

B.5 APPROVALS – NONE

C. ACTION ITEMS –

C.1 CUP-38880-2022: *This is a request by JTJ Construction Inc., on behalf of Romeos Investment Properties, LLC, for a Conditional Use Permit to allow a convenience market/motor fuel sales in the General Commercial (B-2) District, on the property located at 2490 West 8th Street, Yuma, AZ.*

D. PUBLIC HEARINGS –

D.1 ZONE-38992-2022: *This is a request by Thomas M. Bedoya to rezone one parcel, approximately 7,000 square feet, from the General Commercial/Infill Overlay (B-2/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, for the property located at 1168 S. 3rd Avenue, Yuma, AZ.*

E. INFORMATION ITEMS

E.1 STAFF

E.2 COMMISSION

E.3 Public – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Planning and Zoning Commission Meeting Minutes
April 11, 2022

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, April 11, 2022 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners Gregory Counts, Lorraine Arney and Branden Freeman. Commissioners Barbara Beam and Joshua Scott were absent and one vacancy. There is one vacancy.

STAFF MEMBERS present included Emily Hart, Assistant City Prosecutor; Alyssa Linville, Assistant Director of Planning and Neighborhood Services; Jennifer Albers, Principal Planner; Amelia Griffin, Associate Planner; Erika Peterson, Associate Planner and Lizbeth Sanchez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – March 28, 2022

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Counts, second by Arney to APPROVE the Consent Calendar as presented. Motion carried unanimously, (4-0) with two absent and one vacancy.

Action Items –

SUBD-38466-2022: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Barkley Limited Partnership, for approval of the final plat for Livingston Ranch Unit No. 3 Subdivision. This subdivision will contain approximately 27 acres, and is proposed to be divided into 71 residential lots, ranging in size from 7,973 square feet to 14,501 square feet. The property is located near the northwest corner of 38th Street and the Avenue B½ alignment, Yuma, AZ.*

Alyssa Linville, Assistant Director of Planning and Neighborhood Services; summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Freeman second by Counts to APPROVE SUBD-38466-2022 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously, (4-0) with two absent and one vacancy.

GP-37503-2021: *This is a General Plan Amendment request by Kelly Curtis on behalf of Ironwood of Yuma, LLC, to change the land use designation from Medium Density Residential to High Density Residential for approximately 12.9 acres, for the properties located at 2945 W. 8th Street.*

Erika Peterson, Associate Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Arney second by Freeman to APPROVE GP-37503-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously, (4-0) with two absent and one vacancy.

INFORMATION ITEMS

Staff

None

Commission

None

Public

None

ADJOURNMENT

Chairman Hamel adjourned the meeting at 4:39 p.m.

Minutes approved this _____ day of _____, 2022

Chairman



**STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: CHAD BROWN**

Hearing Date: May 9, 2022

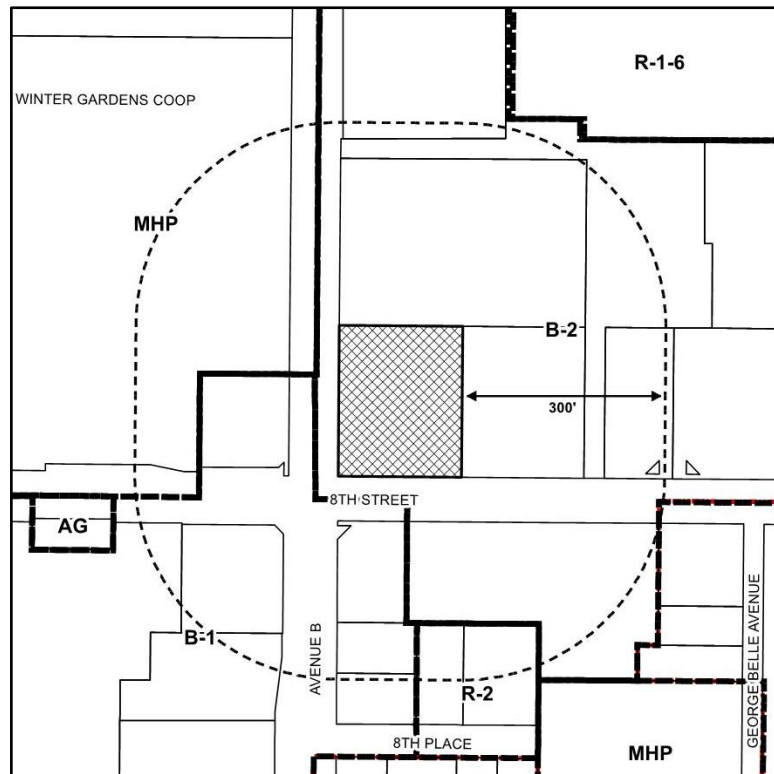
Case Number: CUP-38880-2022

Project Description/Location:

This is a request by JTJ Construction Inc., on behalf of Romeos Investment Properties, LLC, for a Conditional Use Permit to allow a convenience market/motor fuel sales in the General Commercial (B-2) District, on the property located at 2490 West 8th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant Convenience Store	Commercial
North	General Commercial (B-2)	Sunset Health	Low Density Residential
South	Limited Commercial (B-1)/ General Commercial (B-2)	Desert Water/Vacant Land	Commercial
East	General Commercial (B-2)	Multi-Tenant Commercial Building	Commercial
West	Limited Commercial (B-1)/ Manufactured Housing Park (MHP)	Val's Drive In Liquors/Wintergardens Co-Operative	Commercial/Medium Density Residential

Location Map:



Prior site actions: Annexation: February 6, 1954 (Ordinance No.O-605); Conditional Use Permit: September 13, 2007 (HO2007-018).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to to allow a convenience market/motor fuel sales in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-38880-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by JTJ Construction Inc., for a Conditional Use Permit to allow a convenience market/motor fuel sales for the property located at 2490 West 8th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located at 2490 West 8th Street, in the General Commercial (B-2) District. This 40,586 square foot lot was annexed into the City of Yuma on February 6, 1954. The site features an already existing store space of 2,000 square feet and a 4,000 square foot canopy over the gas pump area.

This Conditional Use Permit (CUP) request is to open a gas station/convenience store, which requires a CUP in the General Commercial (B-2) District. The property is already developed as a gas station and convenience store, and this CUP is to re-establish the prior use. Updates the site will include the repainting of the building, cleaning the pavement, the installation of gas pumps, and the installation of landscaping.

During the application process, the agent worked with City Engineering staff to improve traffic circulation both on-site and along the adjacent roadways, through the removal of the southernmost driveway on Avenue B. The former driveway location will be replaced with a planter to match the existing landscaped areas along the frontages of the property. All planter areas will need to be properly landscaped with the appropriate amount of trees, shrubs and groundcover as identified in the Yuma City Code.

The Yuma City Code requires that trees are planted at a rate of one tree per 35 feet of linear frontage on a commercial parcel, and bushes are required at a count of 4 per tree. The frontage is 275, after subtracting driveways, which would require a total of 8 trees and 32 bushes be planted.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Traffic impacts have been reviewed by the Engineering Manager. The secondary (southernmost) driveway on Avenue B will be closed to help mitigate any traffic issues.	#3
B.	Parking	Parking spaces shall be paved and striped.	#1
C.	Lighting	The site will have to be designed with “dark sky” compatible down lighting with a maximum 3000 kelvin LED Lights.	#5
D.	Hours of Operation	N/A	N/A
E.	Indoor/Outdoor Activities	N/A	N/A
F.	Noise	N/A	N/A
G.	Air Quality	N/A	N/A
H.	Hazardous Materials	N/A	N/A
I.	Crime Prevention (CPTED)	N/A	N/A
J.	Other	N/A	N/A

2. Does the site plan comply with the requirements of the zoning code?

Yes. The focus area identified within this CUP request meets the requirements of the code; including paved parking. Landscaping will be updated and parking stalls will be stripped.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
South Avenue B – 2 Lane Minor Arterial	40 FT H/W ROW	40 FT H/W ROW				X
8 th Street – 4 Lane Minor Arterial	50 FT H/W ROW	40 FT H/W ROW		X		X
Bicycle Facilities Master Plan	N/A					
YCAT Transit System	Route 6A (8 th Street), and routes 4/4A (Avenue B).					
Issues:	N/A					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-8.04 (E)(3) and (E)(4), in which a CUP is required for convenience stores and motor fuel sales in the General Commercial (B-2) District.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing, or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The site will utilize existing access along Avenue B and 8th Street.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The property is considered to provide adequate transition as no residential development exists directly adjacent to the property (residential is on the other side of Avenue B) and no new residential is planned within the area.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reduction and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use of the site includes proper screening and landscaping consistent with the Crime Prevention through Environmental Design (CPTED) principles for visual surveillance.

Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment E.

Discussions with Applicant/Agent: April 12, 2022.

Proposed conditions delivered to applicant on: April 12, 2022.

Final staff report delivered to applicant on: May 9, 2022.

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: April 22, 2022
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Site Photos	Agency Notifications	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Chad Brown*

Date: April 26, 2022

Chad Brown

Associate Planner

Chad.Brown@yumaaz.gov

(928)373-5000, x1234

Approved By: *Alyssa Linville*

Date: April 25, 2022

Alyssa Linville,

Assistant Director Community Planning

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Alyssa Linville,
Assistant Director (928) 373-5000, X 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Engineering: Andrew McGarvie, Engineering Manager, (928) 373-5000 X 3044:

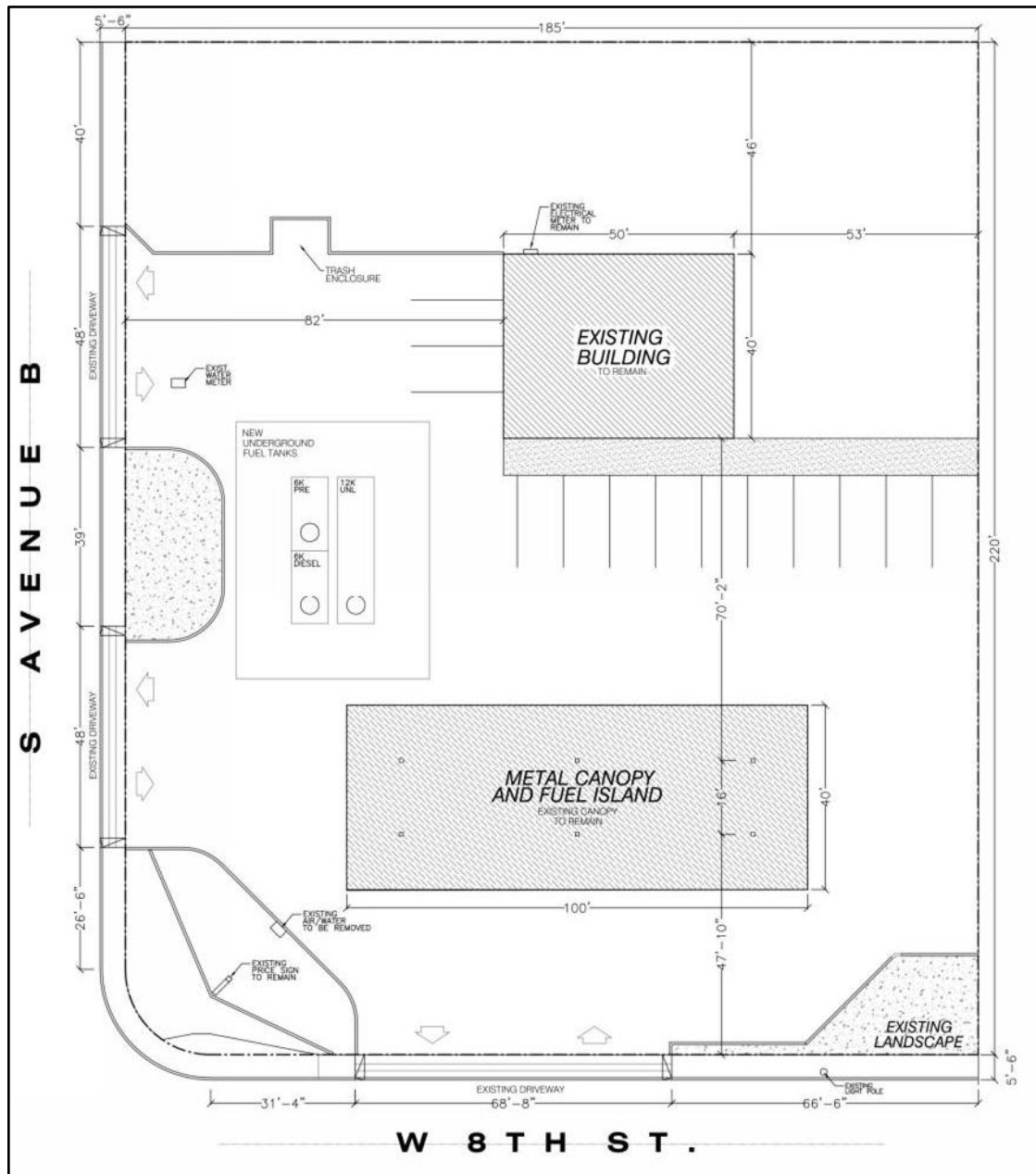
3. The Owner/Applicant will remove the southernmost driveway along Avenue B, in lieu of providing a traffic study for this site.

Community Planning: Chad Brown, Associate Planner, (928)373-5000 X 3038:

4. The driveway to be removed along Avenue B, shall be replaced with a planter to match the existing landscaped areas along the frontages of the property.
5. All onsite exterior lighting shall be designed with "dark sky" compatible down lighting, and have a maximum of 3000 kelvin LED lights.
6. Adequate paved and stripped on-site parking must be provided for the proposed use.
7. A City of Yuma Business License must be obtained prior to the start of commercial operations.
8. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
9. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
10. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
11. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C
SITE PHOTOS



ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (04/15/22)
- 300' Vicinity Mailing: (03/21/22)
- 34 Commenting/Reviewing Agencies noticed: (03/24/22)
- Site Posted on: (03/23/22)
- Neighborhood Meeting: (03/30/22)
- Hearing Date: (05/09/22)
- Comments due: (04/04/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/21/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/22/22			
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	3/22/22	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/21/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	3/22/22	X		
Building Safety	NR				
City Engineer	YES	3/15/22		X	
Traffic Engineer	NR				
MCAS / C P & L Office	YES	3/24/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 03/30/22

Location: Subject property; 2490 West 8th Street

Attendees: Chad Brown; City of Yuma, Jodie King; JTJ Construction LLC, Venice Saco; owner representative, Veronica Saco; owner representative, Rita Saco; owner representative, Jony Sadik; owner representative.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- **NO NEIGHBORS WERE IN ATTENDANCE.**
- **JODIE KING ASKED IF ONE OF THE DRIVEWAYS COULD BE CLOSED IN BEFORE THE APPROVAL OF THE CUP.**
- **STAFF STATED CLOSING OF THE ENTRANCE WOULD BE FINE (IF THE CITY ENGINEERING DEPARTMENT AGREED), HOWEVER CARE MUST BE TAKEN TO CLOSE THE CORRECT ENTRANCE.**

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
ROMEOS INVESTMENT PROPERTIES LLC	2301 S 4TH AVE	YUMA, AZ 85364
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA, AZ 85364
ROCHA ASSETS LLC	2718 S 4TH AVE	YUMA, AZ 85364
VALS DRIVE THRU LIQUOR LLC	4119 W 23RD ST	YUMA, AZ 85364
LARA DAVID A & ESTELA L TRUST 1-24-01	PO BOX 3748	SAN LUIS, AZ 85349
KHUBIR SHWAN	2691 S 34TH AVE	YUMA, AZ 85364
VELASCO JOSE W & ANGELICA M	2452 W 18TH PL	YUMA, AZ 85364
LA RAIN LLC	PO BOX 712158	SANTEE, CA 92072
LARA DAVID A & ESTELA L TRUST 1-24-01	PO BOX 3748	SAN LUIS, AZ 85349
CANIZALES ALEXANDER	3606 W 20TH PL	YUMA, AZ 85364
CARDENAS ROSA	1773 W 27TH DR	YUMA, AZ 85364
WAL-MART STORES INC DE CORP	PO BOX 8050	BENTONVILLE, AR 72712
DBNCH CIRCLE LLC	PO BOX 52072	PHOENIX, AZ 85072
WAL-MART STORES INC DE CORP	PO BOX 8050	BENTONVILLE, AR 72712
BLANCO JESSICA	9503 MANDALE ST	BELLFLOWER, CA 90706
WINTERGARDENS CO-OPERATIVE	2700 W 8TH ST	YUMA, AZ 85364
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA, AZ 85364

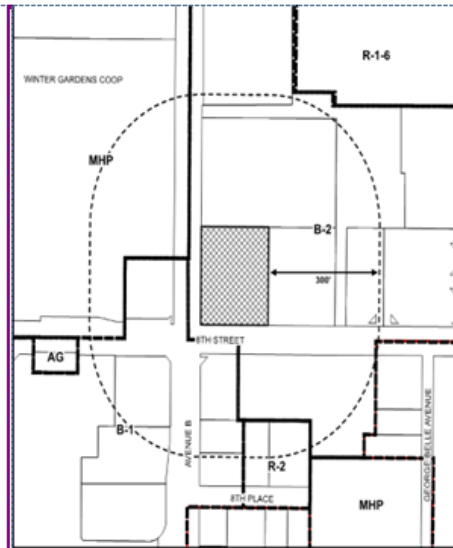
ATTACHMENT G
NEIGHBOR MAILING

This is a request by JTJ Construction Inc., on behalf of Romeos Investment Properties, LLC, for a Conditional Use Permit to allow a convenience market/motor fuel sales in the General Commercial (B-2) District, on the property located at 2490 West 8th Street, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
CUP-38880-2022**

NEIGHBORHOOD MEETING
3/30/2022 @5:00PM

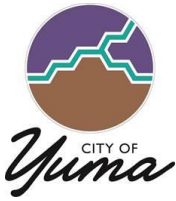
PUBLIC HEARING
5/9/2022 @ 4:30PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 2490 W. 8th Street, Yuma, AZ you are invited to attend the neighborhood meeting and public hearing to voice your comments. If you have questions or wish to submit written comments please contact, Chad Brown by phone at (928) 373-5000 ext. 3038 or by email at Chad.Brown@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO





STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: AMELIA GRIFFIN

Hearing Date: May 9, 2022

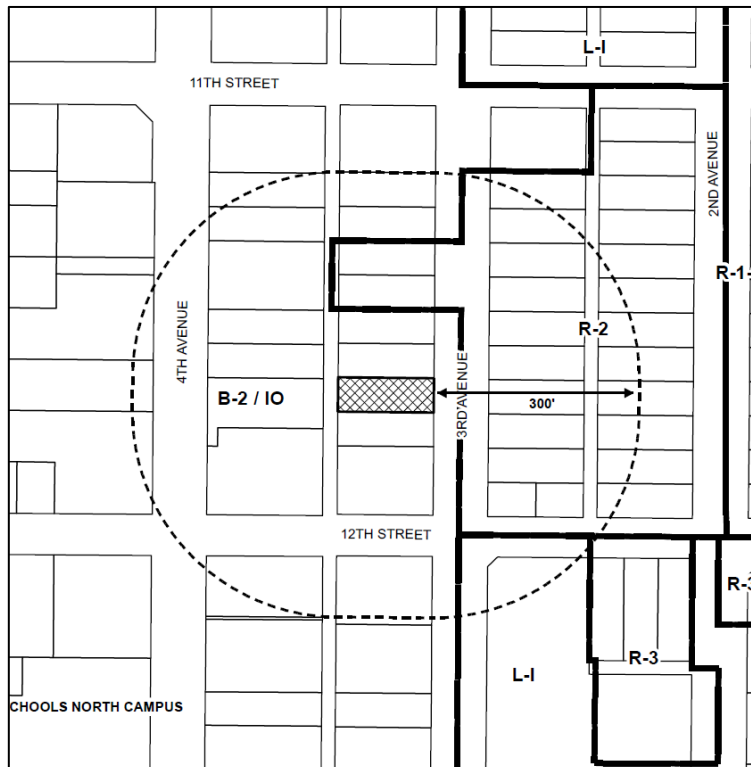
Case Number: ZONE-38992-2022

Project Description/Location:

This is a request by Thomas M. Bedoya to rezone one parcel, approximately 7,000 square feet, from the General Commercial/Infill Overlay (B-2/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, for the property located at 1168 S. 3rd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Infill Overlay (B-2/IO) District	Single-Family Residence	Commercial
North	General Commercial/Infill Overlay (B-2/IO) District	Single-Family Residence	Commercial
South	General Commercial/Infill Overlay (B-2/IO) District	Vacant	Commercial
East	Medium Density Residential/Infill Overlay (R-2/IO) District	Single-Family Residence	Medium Density Residential
West	General Commercial/Infill Overlay (B-2/IO) District	Sign Masters	Commercial

Location Map:



Prior site actions: Annexation: May 29, 1946 (Ordinance No. 449); Subdivision: January 20, 1925 (Speese Addition).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial/Infill Overlay (B-2/IO) to the Medium Density Residential/Infill Overlay District (R-2/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-38992-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone one parcel, approximately 7,000 square feet, from the General Commercial/Infill Overlay (B-2/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District for the property located at 1168 S. 3rd Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located along 3rd Avenue and is approximately 7,000 square feet. Currently, there is a single-family residence on the property.

The applicant is requesting to rezone the property from the General Commercial/Infill Overlay (B-2/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District. The property owner intends to demo the existing residence and construct a new, approximately 1,600 square foot single-family residence on the subject property. Any new residential construction on the property requires a rezone to the Medium Density Residential/Infill Overlay (R-2/IO) District.

The subject property is located within an area of the City that was subdivided in the 1920s. Due to the age of the area, the character and regulations managing the land uses have changed over time. This has created a neighborhood that has become a mix of commercial, industrial, and residential uses. South 3rd Avenue, the subject street, is primarily residential in nature.

The General Plan designation is Commercial, however the proposed rezone may be approved due to the size of the parcel and due to the proximity to the Medium Density Residential Land Use Designation. Arizona State Law and adopted City of Yuma standards permit land use changes/rezones/general plan changes on commercial land without a General Plan Amendment if the proposed changes are equal to or less than 2 acres.

The current use and requested rezone would fit the character and nature of the surrounding uses and zoning designations, and is in conformance with the General Plan.

1. Does the proposed zoning district conform to the Land Use Element?

Land Use Element:									
Land Use Designation:				Commercial					
Issues:				None					
Historic District:		Brinley Avenue		Century Heights		Main Street		None X	
Historic Buildings on Site:		Yes		No		X			

2. Are there any dedications or property easements identified by the Transportation Element?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
3 rd Avenue – Collector 2 Lanes	40 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	3 rd Avenue – Existing Bike Route					
YCAT Transit System	Yellow Route 95					
Issues:	None					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:		Existing: Netwest Park			Future: Netwest Park				
Community Park:		Existing: Carver Park Complex			Future: Carver Park Complex				
Linear Park:		Existing: East Main Canal			Future: East Main Canal				
Issues:		None							
Housing Element:									
Special Need Household:		N/A							
Issues:		None							
Redevelopment Element:									
Planned Redevelopment Area:		Yuma North End Redevelopment Area – 4 th Avenue							
Adopted Redevelopment Plan:		North End:		X	Carver Park:			None:	
Conforms:		Yes	X	No					
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources		Yes		No	X				
Renewable Energy Source		Yes		No	X				
Issues:		None							
Public Services Element:									
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person		Dwellings & Type <i>Single Family</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation	
		Maximum	Per Unit		Officers	GPD	AF	GPD	
		1	2.8	3	0.01	840	0.9	280	
		Minimum							
		1	2.8	3	0.01	840	0.9	280	
Fire Facilities Plan:		Existing: Fire Station No. 1				Future: Fire Station No. 1			

Water Facility Plan:	Source:	City	X	Private		Connection:	8" PVC
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection: 8" VCP
Issues:	None						
Safety Element:							
Flood Plain Designation:	X			Liquefaction Hazard Area:	Yes	No	X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St		Avenue B & 32 nd St.	
	North End		Pacific Ave & 8 th St		Estancia	None	X
Issues:	None						

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: None Received.

External Agency See Attachment C.
Comments:

Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: April 14, 2022

Final staff report delivered to applicant on: April 28, 2022

☒ Applicant agreed with all of the conditions of approval on: April 15, 2022

Attachments

A	B	C	D	E	F
Conditions of Approval	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Amelia Griffin*

Date: April 22, 2022

Amelia Griffin
Associate Planner

Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By: *Alyssa Linville*
Alyssa Linville
Assistant Director Community Planning

Date: April 28, 2022

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning, Amelia Griffin, Associate Planner, (928) 373-5000 x3034

4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT C

AGENCY NOTIFICATIONS

- Legal Ad Published: **The Sun** (04/15/22)
- 300' Vicinity Mailing: (03/21/22)
- 34 Commenting/Reviewing Agencies noticed: (03/24/22)
- Site Posted on: (05/02/22)
- Neighborhood Meeting: (N/A)
- Hearing Date: (05/09/22)
- Comments due: (04/04/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	03/22/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/22/22	X		
Yuma County Planning & Zoning	YES	3/21/22			X
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	3/22/22	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/22/22	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	3/21/22	X		
Building Safety	YES	3/30/22	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	03/24/22			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

Enter comments below:

Subject parcel is approxiamtely 0.40 miles west from a Yuma County boundary. There are existing residential uses on the north and east. The proposed used will be within the character of the area.

DATE: 3/21/22 NAME: Javier Barraza TITLE: Senior Planne
AGENCY: Yuma County Department of Development Services, Planning & Zoning Division
PHONE: (928) 817-5000
RETURN TO: Amelia Griffin
Amelia.Griffin@YumaAZ.gov

Enter conditions here: The subject parcel (APN 665-11-303) is located near a known flight path for Runway 17. If not already in place, it is requested that an Avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE: 24 Mar 2022 NAME: Antonio Martinez TITLE: Community Liaison
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Amelia Griffin
Amelia.Griffin@YumaAZ.gov

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
PEREZ FRANK R & DENISE D JT	1120 S 2ND AVE	YUMA
REFRIGERATION SUPPLIES DIST CA CORP	26021 ATLANTIC OCEAN DR	LAKE FOREST
REFRIGERATION SUPPLIES DISTRIBUTOR	26021 ATLANTIC OCEAN DR	LAKE FOREST
DAW PAUL CHARLES	1140 S 3RD AVE	YUMA
ALFORD DWAYNE T & KATHY C JT	PO BOX 1608	YUMA
ESQUERRA JAVIER JOAQUIN JR	1158 S 3RD AVE	YUMA
LEWIS JOHN C	7820 S PITAYA	TUCSON
YOUSIF EMAD & MARIA	1888 S 39TH DR	YUMA
BRACK GERALD W & DOROTHY S	1198 S 3RD AVE	YUMA
LEINBANCH L & E TRUST 8-6-2019	1314 RIDGEVIEW DR	YUMA
LEINBACH LANCE & EVANGELINA JT	1165 S 4TH AVE	YUMA
BROOKS BOBBY LEROY & ROBERTA LEE TRUST 4-19-2007	4379 W VAQUERO LN	YUMA
BROOKS BOBBY LEROY & ROBERTA L TRUST	4379 W VAQUERO LN	YUMA
CISNEROS PEREZ TRUST 4-22-2021	PO BOX 82	YUMA
NUNEZ JOE R	1112 S 2ND AVE	YUMA
NUNEZ TRUST 10-25-2019	11625 E 27TH PL	YUMA
AGUAYO MIGUEL A & SAMANTHA M	2440 W 11TH ST	YUMA
FINDER WILLIAM & SUSAN TRUST 9-26-2019	1405 W 18TH PL	YUMA
PEREZ FRANK N & DENISE	1120 S 2ND AVE	YUMA
CERVANTES MARIA ISABEL	160 S 8TH AVE	YUMA
LIMONES ROSALINDA S &	222 W 12TH ST	YUMA
CANCHOLA JOSE JESUS & NATIVIDAD JT	1195 S 3RD AVE	YUMA
CARVAJAL OFELIA	7233 W ROSE LN	GLENDALE
PEREZ ROSE MARY	1185 S 3RD AVE	YUMA
ROJAS ESMERALDO	1185 S 3RD AVE	YUMA
RAMIREZ MARY ANN	1157 S 3RD AVE	YUMA
BALBUENA JORGE JR	1149 S 3RD AVE	YUMA
CALZADA MARIA RAYA	1141 S 3RD AVE	YUMA
CARLON CELIA A	1139 S 3RD AVE	YUMA
PURCELL PROPERTIES II LP	PO BOX 100	POTOSI
DEANDA RAUL & GLORIA JT	1152 S 4TH AVE	YUMA

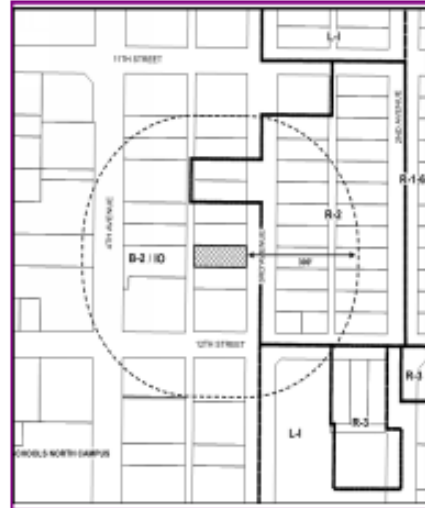
KERLEY JAMES E FAMILY AZ LTD PART	3801 S KERLEY DR	YUMA
DE SANTIAGO JAVIER E & YURIKCIA R JT	1202 S 4TH AVE	YUMA
MARQUEZ SAMUEL A	1146 S 3RD AVE	YUMA
SANDOVAL RAMIRO & MONIQUE JT	PO BOX 924	YUMA
OREA JUVENAL TORRES &	1166 S 3RD AVE	YUMA
BEDOYA FRANK A &	170 E 6TH ST SPC 1680	CLAREMONT
F & E RENTALS LLC	PO BOX 6311	YUMA
YUMA CITY OF	ONE CITY PLAZA	YUMA

**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Thomas M. Bedoya to rezone one parcel, approximately 7,000 square feet, from the General Commercial/Infill Overlay (B-2/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, for the property located at 1168 S. 3rd Avenue, Yuma, AZ

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-38992-2022**

PUBLIC HEARING
5/9/2022 @ 4:30PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1168 S. 3rd Avenue, Yuma AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments please contact, Amelia Griffin by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Griffin@yumaaz.gov

ATTACHMENT H
AERIAL PHOTO

